



## State of Idaho

# DEPARTMENT OF WATER RESOURCES

Southern Region, 1341 Fillmore Street, Suite 200 • Twin Falls, Idaho 83301-3380

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July 15, 2009

Mr. George K. Wells  
2073 S Poleline Rd  
Oakley Idaho 88346

C. L. "BUTCH" OTTER  
Governor

DAVID R. TUTHILL, JR.  
Director

RE: Unauthorized work on Mill Creek by watermaster of WD 45A

Dear Mr. Wells,

It has recently come to our attention that you directed some excavation work at four locations in the channel of Mill Creek in the SE1/4 NE1/4 Section 10, Twp. 14 South Range 23 East B.M. You should be aware that work below the mean high water mark of a continuously flowing stream requires an Idaho Stream Channel Alteration permit.

Enclosed is a copy of a letter sent by Tim Luke, Water Distribution Section Manager to all watermasters describing the responsibilities of watermasters in relation to Stream Channels. This letter was sent to your predecessor, Ms. Whittle, and should have been passed on to you as watermaster. We would draw your attention to page two where it states: "State watermasters should avoid participating in construction activities designed to "clean" the stream or projects purporting to recapture water that might not otherwise be available for distribution. Flood control districts, irrigation districts, canal companies or the water users are the appropriate entities to organize projects to remove obstructions (including beaver dams) and clean the channel, not the state water master."

You may consider this letter as a warning; future unauthorized activity in a stream channel will result in enforcement action. If you have questions regarding this matter, please contact our office.

Respectfully,

Allen D. Merritt, P.E.  
Southern Region Manager

Encl: 9/24/2002 letter to watermasters

Cc: IDWR State Office - Tim Luke, Terry Blau, John Homan, Jim Stanton  
COE - James Joyner